

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:10CR418
)	
v.)	
)	
MATTHEW L. KOLACZOWSKI,)	ORDER
)	
Defendant.)	
)	

This matter is before the court on the report of counsel for defendant Matthew L. Kolaczowski (Kolaczowski) (Filing No. 47). It appears Kolaczowski will be unavailable for trial pending further surgery and rehabilitation. Trial will be rescheduled following a supplemental report as to Kolaczowski's medical progress. Mr. Bolger shall report to the court as to Kolaczowski's medical progress on or before August 15, 2011.

The ends of justice have been served by granting the motion to continue and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 16, 2011, and August 15, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(B)(4).

IT IS SO ORDERED:

DATED this 16th day of June, 2011.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge